

UNITED STATES PATENT AND TRADEMARK OFFICE

(Case No. 99,089)

PATENT

In the Application of:

Mark O. Vogel

Serial No.: 09/318,460

Filed: May 25, 1999

For: METHOD FOR DYNAMIC
PERFORMANCE
OPTIMIZATION IN A
DATA-OVER-CABLE SYSTEM



Art Unit: 2731

Examiner: To be Assigned

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INFORMATION DISCLOSURE STATEMENT

Asst. Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to the duty of disclosure provided by 35 C.F.R. § 1.56 and §§ 1.97-98, the applicants wish to make the following references of record in the above-identified application. Copies of the references are enclosed. Copies are also listed in the PTO-1449 form enclosed herewith. It is requested that the documents be given careful consideration and that they be cited of record in the prosecution history of the present application so that they will appear on the face of the patent issuing from the present application.

Applicant also wishes to make the following co-pending applications filed on February 4, 1998, and assigned to the same assignee of the present application of record: 09/018,784, 09/018,401, 09/018,404, 09/018,780, 09/018,814, 09/018,756, 09/018,372, 09/018,400; February 24, 1998, and assigned to the same assignee of the present

application of record: 09/028,404; April 23, 1998, and assigned to the same assignee of the present application of record: 09/065,129; May 14, 1998, and assigned to the same assignee of the present application of record: 09/079,323, 09/079,322; May 27, 1998, and assigned to the same assignee of the present application of record: 09/090,595, 09/085,585, 09/085,555, 09/085,651, 09/085,586, 09/085,736, 09/090,593, 09/085,905; May 28, 1998, and assigned to the same assignee of the present application of record: 09/086,394; September 30, 1998, and assigned to the same assignee of the present application of record: 09/163,817; October 1, 1998, and assigned to the same assignee of the present application of record: 09/164,744; December 21, 1998, and assigned to the same assignee of the present application of record: 09/217,534, 09/217,347, 09/218,793; January 15, 1999, and assigned to the same assignee of the present application of record: 09/232,762; February 27, 1999, and assigned to the same assignee of the present application of record: 09/259,757; May 21, 1999, and assigned to the same assignee of the present application of record: 09/316,614, 09/316,420, 09/316,488; May 24, 1999, and assigned to the same assignee of the present application of record: 09/317,588, 09/317,775; May 28, 1999, and assigned to the same assignee of the present application of record: 09/321,941, 09/322,513, and 09/322,833.

In the judgment of the undersigned, portions of the references may be material to the examination of the pending claims, however no such admission is intended. 37 C.F.R. 1.97 (h). The references have not been reviewed in sufficient detail to make any other representation and, in particular, no representation is intended as to the relative importance of any portion of the references. This Statement is not a representation that the cited references have effective dates early enough to be "prior art" within the meaning

of 35 U.S.C. sections 102 or 103.

CITED REFERENCES

U.S. Patent Documents

<u>Document Number</u>	<u>Date</u>	<u>Name</u>	<u>Class</u>	<u>Filing Date If appropriate</u>
5,608,446	3/4/1997	Carr, et al.	348	5/9/1995
5,675,732	10/7/1997	Majeti, et al.	395	5/8/1995
5,636,211	6/3/1997	Newlin, et al.	370	8/15/1995
5,623,542	4/22/1997	Schneider, et al.	379	6/14/1996
5,606,606	2/25/1997	Schneider, et al.	379	6/14/1996
5,600,717	2/4/1997	Schneider, et al.	379	6/14/1996
5,586,121	12/17/1996	Moura, et al.	370	4/21/1995
5,583,931	12/10/1996	Schneider, et al.	379	7/14/1995
5,488,412	1/30/1996	Majeti, et al.	348	3/31/1994
5,347,304	9/13/1994	Moura, et al.	348	7/28/1993

Other Documents

- 1) "Cable Modem to Customer Premise Equipment Interface Specification (Interim) SP-CMCI-I02-980317", Multimedia Cable Network Systems (MCNS) Holdings, L.P., 1998, Pgs. ii to 40.
- 2) "Operations Support System Interface Specification Baseline Privacy Interface MIB (Interim Specification) SP-OSSI-BPI-I01-980331", MCNS Holdings, L.P., 1998, Pgs. ii to 33.
- 3) "Cable Modem Termination System-Network Side Interface Specification (Interim Specification) SP-CMTS-NSII01-960702", MCNS Holdings, L.P., 1996, Pgs. ii to 13.
- 4) "Removable Security Module Interface Specification (Interim Specification) SP-RSMI-I01-980204", MCNS Holdings, L.P., 1997, Pgs. ii to 48.
- 5) "Baseline Privacy Interface Specification (Interim) SP-BPI-I01-970922", MCNS Holdings, L.P., 1997, Pgs. ii to 66.
- 6) "Operations Support System Interface Specification (Interim) SP-OSSII01-970403", MCNS Holdings, L.P., 1997, Pgs. 1 to 30.
- 7) "Radio Frequency Interface Specification (Interim Specification) SP-RFI-I02-971008", MCNS Holdings, L.P., 1997, Pgs. ii to 186.

- 8) "Cable Modem Telephony Return Interface Specification (Interim) SP-CMTRI-I01-970804", MCNS Holdings, L.P., 1997, Pgs. ii to 74.
- 9) "Security System Specification (Interim Specification) SP-SSI-I01-970506", MCNS Holdings, L.P., 1997, Pgs. ii to 103.
- 10) "Internet Engineering Task Force", Request for Comments 2131, Dynamic Host Configuration Protocol (DHCP), March 1997, Pgs. 1 to 42.
- 11) "Internet Engineering Task Force", IPCDN Working Group, IPCDN Telephony Return MIB, March 1998, Pgs. 1 to 27.

Respectfully submitted,

McDonnell, Boehnen, Hulbert & Berghoff

Date: 17 August, 1999

by:


Enrique Perez
Reg. No. 43853

GAU 2731

PATENT

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TRANSMITTAL LETTER

1. We are transmitting herewith the attached papers for the above identified new patent application:

☒ Information Disclosure Statement (IDS)

☒ PTO-1449 Form

☒ Copies of Twenty-One (21) Cited References for 09/318,460

☒ Return Postcard

2. **GENERAL AUTHORIZATION TO CHARGE OR CREDIT FEES:** Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

3. **CERTIFICATE OF MAILING UNDER 37 CFR § 1.8:** The undersigned hereby certifies that this Transmittal Letter and the papers, as described in paragraph 1 herein-above, are being deposited with the United States Postal Service with sufficient postage as "First Class Mail" in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231, on this 17th day of August, 1999.

By: _____

Enrique Perez
Reg. No. 43853